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The HISTORY of DON ALONZO, or The NOBLE HERMIT.

[Continued.]

LEONORA, on her part, was not less affected. Her hand trembled while Don Alonzo pressed it; a vivid blush suffused itself over her lovely face, and her heart experienced a similar palpitation to that of her lover. — Fortunately for them both, the Marquis was at this time busily engaged in making some enquiries of the young Count relative to the death of his father, to that their sympathetic agitations passed unobserved.

From this moment a melancholy spread itself over the countenance of Don Alonzo, which could not escape the notice of his cousin, or his kind enquiries into the cause of it. At this juncture, the Siroc (a sultry south-east wind, that at certain seasons sweeps over Sicily, and causes an inconceivable languor) happening to reign, to this he attributed the disjection of his spirits; and even after the wind had changed, and the heat became more tolerable, he made it serve as an excuse for his disorder. Leonora alone saw from what source it sprung, and had she been at liberty to follow her inclinations, would have poured balm into his wound.

As the day on which the intended nuptials were to be celebrated drew near, the anxiety of Don Alonzo increased and Leonora beheld it with a reluctance bordering on horror.

Though the eyes were the only vehicles by which the lovers had hitherto been able to judge of each others sentiments, the intelligence they conveyed had not been misconstrued. Don Alonzo understood from those of Leonora, that she did not accept the offered hand of his cousin with that readiness which his claims to her favour seemed to demand; and he likewise thought he saw a partial gleam dart from them which he might place to his own account; but in the same moment an irremovable bar arose in his mind that prevented him from profiting by the discovery. Could he indulge a thought so destructive to the happiness of a relation he so much valued and esteemed? Honour and friendship forbade the very idea.

Honour and friendship, however, are too often but weak opponents to the instigations of love. The conflict in Don Alonzo's mind was violent; and by the time the fatal day which was to annihilate his hopes, had reached within a fortnight, he had arrived at a state of distraction scarcely to be described, and only to be equalled by his lovely mistress.

At this important crisis, accident, or the god of love, led them both to an orange grove,

situated at the extremity of the Marquis's garden; a retirement as well suited to the soft whispers of two lovers. The time during which there was a probability of their escaping observation, not permitting those ceremonious proffers of love on one side, and those demands on the other, which are usually the prelude to common courtships, after having candidly acknowledged their mutual attachment, and exchanged vows of eternal love and fidelity, they proceeded to devise means to avert the impending evil. The claims of honor and friendship from him, or of filial duty and respect from her, weighed but as a feather when placed in the scale against that fervent heart felt involuntary affection, which they now avowed to feel for each other, and of which they had to much reason to dread a dissolution.

Driven to desperation by the untowardness of their situation, they agreed to leave the island by the first conveyance that could be procured, and seek some country, where united in indissoluble ties, they might indulge that love which they found was not to be controlled.

The preliminaries being settled, Don Alonzo hastened to the port, in order to enquire if there was any vessel ready to sail; and luckily found that a felucca was about to depart with the next tide for the island of Malta. As the place of their destination was not a matter of choice, and no time was to be lost, he agreed with the matter to take himself and a friend on board; and by way of securing his secrecy, he paid him a handsome sum down, and promised him a further gratuity when they should arrive at the end of their voyage.

How to impart this intelligence to Leonora was attended with difficulties; but having, by a significant look, obtained another interview in orange grove, it was there agreed, that, having disguised herself in the habit of a man, she would leave her father's house, attended only by a favorite female domestic in the same disguise, and meet him at the port, about the hour the family retired to rest, which was the time the tide served.

Every thing succeeded to the wish of our adventurers; they got on board without discovery; and as the sails were already hoisted, were soon out of the sight of land.

When the morning dawned, they found themselves clear of the gulph of Messina, and speeding with a prosperous breeze toward Malta.

To describe the sensations by which the lovers were at this time agitated, is not very easy. The prospect of soon being in a place where they might give way to the fervid emotions of their hearts, inspired them

with a cheerfulness to which they had long been strangers; but these transports were not a little allayed by considering at what an expence they were purchased—by a breach of the most sacred obligations.

They had not, however, much time to bestow on these considerations; for no sooner had they cleared the north-eastern promontory of the island, than a Tunisian galley of considerable force came in sight, and as the ship they were on board was not prepared for making any resistance, they were immediately captured. Don Alonzo ardently longed to resist the Infidels, and to exert, in defence of one to whom he was attached by dearer ties than those of consanguinity, that valor which he had before given proofs of against them; but when the corsair came near enough for them to perceive its force, every idea of resistance vanished.

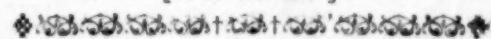
As for Leonora, her agitations would at once have betrayed her metamorphosis, had not the thoughts of every person on board been busily employed on their own personal safety. She grew pale, her whole frame became enervated, and casting her eyes in silent anguish toward Don Alonzo, by her looks seemed to express an anxiety for his welfare, mingled with the upbraidings of her own mind for taking the imprudent step she had done.

As soon as the corsair arrived at Tunis; a more particular scrutiny into the produce of their prize took place; when the effeminate appearance of Leonora and her attendant soon discovered their sex. They were therefore arrayed in such feminine habits as were best calculated to display their beauty, and taken, with the rest of the slaves, to the slave market.

The charms of Leonora were too conspicuous not to attract notice. They purveyed for the day selected her for his highness; and as she intreated to be permitted to retain her attendant, an adequate consideration was given to the captain of the galley for her.

The female slaves being disposed of, the men became the next article of sale; and as a few additional hands were wanting for carrying on some embellishments in the Dey's garden, Don Alonzo, whose youth and gracefulness first caught the eye of the purveyor, was fixed upon, with two or three others, for this purpose.

[To be continued.]



MUSEUM.

THE Public will take notice, that the Museum will be open every day, from 10 to 1, and from 3 to 5 o'clock. By order of the Trustees,
Oct. 24. GARDINER BAKER, Keeper.

For the WEEKLY MUSEUM.

MY ANN'S MY ONLY JOY.

WHEN dire misfortune wields her rod,
And I the stroke must feel, poor boy!
For better fate I seek to God,
Who, with my ANN's my only joy.

When sickness, dreadful to come on!
With all its evils doth destroy
The florid looks, and Hope is gone,
My ANN will prove my only joy.

Both pow'r and wealth I do despise,
Nay, Health itself, I'd not enjoy,
Ye Gods! but grant me her I prize,
I mean my ANN, MY ONLY JOY.
Nov. 16, 1792. B.

FOR THE BENEFIT OF

Masters MANLY and HEARN,
On Monday evening, the 26th of November, at
Capt. Baldwin's Long Room, No. 49, Cort-
landt-street, three doors from the Broad way.

MASTER Hearn will ballance his body on
the edge of a Wine Glass, with his head
on the Glass. Master Manly will ballance him-
self with his head on the edge of a dollar. Mas-
ter Hearn will stand on the Clown's Head, and will
beat the Drum in full march. Master Manly will
walk on his Elbows in the shape of a Camel.

A SONG by Master HEARN.
Don PETER CLORES will perform several cu-
rious Feats of Activity on the

W I R E
And EXTRAORDINARY BALLANCING.
For this night only, Don PETER will stand on
his Head on a ladder, and dance a Hornpipe with
his feet towards the Ceiling. With a variety of

TUMBLING FEATS,
By the two surprizing Youths from London, &c.

Mr. PARTRIDGE will, for that night only,
deliver a Lecture on Music, with the representa-
tion of the heads of Banister, song, "Stand to
your guns my Hearts of oak." Tenducci, song,
"Water parted from the sea." Leonie, song,
"Had I a heart for falsehood fram'd;" and the
heads of the laughing and crying Epitaphs;
likewise a solo concerto on a Broom Stick, never
attempted by any other person. Also a great
number of different attitudes on the

R O P E.
The whole to conclude with the Spanish Pantomime
and a Hornpipe by a little Miss only 5 years old,
and another by Master Hearn. Box 4s. Pit. 3s.
Gallery 2s. VIVAT RESPUBLICA.

PURSUANT to an order of the Hon. John
Stots Hobart, Esq. one of the Judges of the
supreme court of judicature of the state of New-
York, Notice is hereby given to all the credit-
ors of Andrew Van Horne, of the city of New-
York, blacksmith, an insolvent debtor, upon his
petition in conjunction with so many of his credit-
ors as have debts bona fide, due and owing to them
by the said insolvent, amounting to at least three
fourth parts of all the monies due and owing by
the said insolvent: That they shew cause if any
they have, before the said John Stots Hobart, Esq.
at his chambers situate in Crown-street, in the
city of New-York aforesaid, by Friday the 4th
day of January next, why an assignment of all
the estate of the said Andrew Van Horne should
not be made for the benefit of all his creditors,
and the said Andrew Van Horne discharged, in
pursuance of the directions of a certain act of the
Legislature of the state of New-York, entitled,
"An act for giving relief in cases of Insolvency,"
pass'd the 21st day of March, 1788. Dated this
21st day of November, anno dom. 1792.

ANDREW VAN HORNE.
mund Prior, one of the petitioning creditors.

NEW-YORK, November 24.

Electors of PRESIDENT and VICE PRESIDENT.

William Floyd, Esq. of Suffolk County
Samuel Osgood, Esq. of the City and County
of New-York.

Edward Savage, Esq. of Washington County.
Stephen Ward, Esq. of Westchester County.
John Bay, Esq. of Columbia County.
Jesse Woodhull, Esq. of Orange County.
David Van Nels, Esq. of Dutchess County.
Johannes Bruyn, Esq. of Ulster County.
Volkert Veeder, Esq. of Montgomery County.
Abraham Yates, jun. Esq. of the city and coun-
ty of Albany.

Samuel Clarke, Esq. of Saratogo County, and
Abraham Ten Eyck, Esq. of Rensselaer Coun-
ty, are nominated and appointed by the honour-
able the Legislature of this state, electors of Pre-
sident and Vice President of the United States.

MARRIED

On Tuesday the 13th November, at Oyster-Bay,
Long-Island, by the Rev. Benjamin Coles, Mr.
ZEBULON FROST, to Miss ELIZABETH FAR-
LEY.—Same day, Mr. TOWNSEND COCK, to
Miss MARGARET FARLEY, daughters of Capt.
James Farley—all of the same place.

On Sunday evening last, by the Rev. Dr. Li-
vingston, Mr. WILLIAM HUMPHRIES, to Miss
EFFIE VARICK—both of this city.

On Wednesday evening last, by the Rev. Mr.
Foster, Mr. THOMAS HERTZELL, to Miss BAR-
BARA AMELIA NEELY—both of this city.

On Saturday evening last, at Newark, by the
Rev. Mr. M'Harter, Mr. HUGH DOUGALL, to
Miss LETTA HEDDEN.

At Elizabeth Town, by the Rev. Mr. Sprags,
Mr. JOHN C. WILLIAMSON, to Miss MARGA-
RET GRACE—both of this city.

"And now the Connubial knot is ty'd,
"And Peggy is my charming bride."

On Saturday evening last, at Newark, by the
Rev. Mr. M'Harter, Mr. ROBERT MOUNT, to
Miss LYDIA MYER, daughter of Mr. Isaac My-
er, of Newark.

May blessings crown your nobler works,
And handlings to your arms be brought,
To ease the mind and soften cares
And doubly tie the Marriage Knot.

For the WEEKLY MUSEUM.

On the Death of Miss MARGARET LOWRY.

FOR thee, blest shade, whose memory we revere,
The pensive muse now drops the friendly tear;
Dar'd the grim tyrant snatch thee early home,
And rudely crop thee in thy tender bloom?
At the last trump thy virtuous soul shall rise
O'erborne with bliss to tread empyreal skies;
There suff'ring Virtue eas'd of Nature's grief,
Is clay with joy and infinite relief:
Those cherub angels fir'd with grateful lays,
Rends the vast realms with themes of endless praise;
With heavy sighs sweet Margaret farewell,
Long in our memory thou shalt ever dwell. M

ANNUAL ELECTION.

A MEETING of the Stockholders of the
New-York TAMMAMIAL TONFIRE
will be held at the City Tavern on Tuesday even-
ing the 4th December next, at 6 o'clock, to elect
thirteen Directors, a Secretary, and Committee
of Inspection, and to transact other business.

By order of the President,
Nov. 17. BENJ. STRONG, Sec'y.

DIED

On Saturday evening last, after an illness of on-
ly four days, in the 18th year of her age, Miss
MARGARET LOWRY, of this city.

On Sunday morning last, after a short illness, in
the prime of youth, Miss GERTRUDE BRINKER-
HOFF, daughter of Mr. Dirick Brinkerhoff, de-
ceased, of this city.—The affability, unaffected
ease and agreeable deportment of this young lady
procured her the affection and esteem of a large
circle of acquaintance; while her filial obedience
and sisterly affection insured her the tender love of
an afflicted mother and grieved relatives.

On Monday Evening, suddenly Mr. FREDER-
ICK SCHMELZEL, a youth sincerely beloved
and universally regretted, by all his acquaintance.

On Thursday, greatly lamented, of a short ill-
ness, Doctor JAMES COGSWELL, of this city.

Several favours from Correspondents, Ad-
vertisements, &c. are unavoidably omitted, to make
room for the lengthy tho' interesting proceedings of
the Senate of this state.

Mr. Harrison,

Please to give the following Extracts from the
Journal of the Senate of the state of New-York
a place in your paper, agreeably to the order of
the Senate of the 17th instant thereto annexed.

I am,

Your very humble Servant,
ABM. B. BANCKER.

New-York, November 20, 1792.

EXTRACTS

From the Journal of the Senate of the state of
New-York, relative to the claim of John Liv-
ingston, Esq. to a seat in the Senate as a member
therof from the Eastern District.

STATE OF NEW-YORK.

In Senate, November 6, 1792.

Ordered, That Mr. Hasbrouck, Mr. Cantine,
Mr. Van Rensselaer and Mr. Williams, be a com-
mittee of privileges and elections.

Mr. Jones, one of the members of the joint
committee appointed to canvass and estimate the
votes taken at the last election in this state for
Governor, Lieutenant Governor and Senators,
produced a protest against the determination of the
major part of the said joint committee; signed
Samuel Jones, Isaac Roosevelt and Leonard Gan-
sevoort.

In Senate, November 7, 1792.

The journal of the senate of Yesterday being
read, Mr. Tillotson moved, that the entry of Mr.
Jones's producing a protest against the determina-
tion of the major part of the joint committee ap-
pointed to canvass and estimate the votes taken at
the last election, be erased from the journal, de-
bates arose, and Mr. President having put the
question thereon, it was carried in the negative in
the manner following, viz.

For the Negative.

Messrs. Swartwout, Frey, Schuyler, Van Ren-
selaer, Sands, Livingston, Gansevoort, Jones,
Douw, Cruger, Strong, Woodworth, Hasbrouck,
Cantine, Carpenter, Powers.

For the Affirmative.

Messrs. Williams, Van Cortlandt, Gelsion,
Schenck, Webster, Pye, Tillotson.

John Livingston, Esq. returned as a senator
from the Eastern District, appeared in the senate
chamber; whereupon the protest laid before the
senate yesterday was read. Thereupon,

Ordered, That the committee of privileges and
elections examine into the facts relative to the re-
turn of the said John Livingston, as a senator
from the Eastern District, and report a state of the
facts to the senate.

In Senate, November 9, 1792.

Mr. Gelfson, one of the members of the joint committee appointed to canvass and estimate the votes taken at the late election in this state for Governor, Lieutenant Governor and senators, produced a copy of the reasons assigned by the major part of the said joint committee, as the ground of their decision; signed David Gelfson, Thomas Tillotson, David M'Carty, Daniel Graham, Melancton Smith, Jonathan N. Havens and Pierre Van Cortlandt, junior.

In Senate, November 12, 1792.

Mr. Hasbrouck from the committee of privileges and elections, pursuant to the order of the senate of the 7th instant reported, that a joint committee of twelve members (to wit) six of the Senate and six of the Assembly, was at the last session of the Legislature appointed in the manner prescribed by law, to canvass and estimate the votes for Governor, Lieutenant Governor and senators—That eleven of the said committee met at the office of the Secretary of the state on the last Tuesday of May now past, to discharge the duties enjoined upon them; that upon such canvass and estimate of the said joint committee, a majority of them (to wit seven) did within fourteen days thereafter, being within the time limited by law, determine and declare, that John Livingston, Esq. was by the greatest number of votes chosen a senator for the Eastern District, and within the time aforesaid did make and subscribe with their proper names and hand writing, a certificate of such determination in the book kept for that purpose in the said Secretary's office, which judgment and determination of the said major part of the said joint committee is by the second clause of the XIth section of the "Act for regulating elections" declared to be binding and conclusive.

And we do further report, that the members of the said joint committee who did dissent from the said judgment and determination did assign for such their dissent the reasons following: to wit, "We dissent from and protest against the determination of the major part of the said committee respecting the votes taken at the said election in the county of Clinton."

"Because it appears that the sheriff of the said county, deputed a person by parol, to deliver the box containing the ballots of the said county into the Secretary's office: Such deputation we deem to be sufficient: And as there is satisfactory evidence, that the box was delivered in the same state in which it was received from the sheriff, the votes in our opinion ought to be canvassed."

"We also dissent from and protest against the determination of the major part of the said committee by which they declare that John Livingston was by the greatest number of votes at the said election in the Eastern District of this state, chosen a senator in the said Eastern District."

"Because it cannot be ascertained, whether John Livingston was chosen a senator in the Eastern District, by the greatest number of votes in that District, without examining the votes taken in the county of Clinton; there being a sufficient number of freeholders in that county, with the votes given in other parts of the District for Thomas Jenkins, as a senator, to give him a greater number of votes for a senator, than the number given for the said John Livingston."

And we do further report, that the said major part of the said joint committee did assign the ground and reasons for such their judgment and determination, in the words following, to wit.

"A box said to contain the ballots of the county of Clinton was deposited in the Secretary's office by a Theodorus Platt, without any deputation or other authority, accompanied only with his own affidavit, that he had received the said box from the sheriff of Clinton."

The joint committee pursuant to the law, are sworn to canvass the votes contained in the boxes delivered into the office of the Secretary of the state, by the sheriffs of the several counties: hence arose a question, whether this was not a *personal trust* which could not be legally performed by deputy; upon this point we entertained different opinions; but agreed, that if the discretion of the committee was to be in any degree controuled by the directions of the law, there appeared no room to doubt of the illegality of canvassing boxes which were not delivered by a sheriff or the deputy of a sheriff, the ballots contained in the box were therefore rejected.

Your committee do also further report, that as far as they have been able to extend their researches, no other facts of official authenticity are to be found respecting the election of the said John Livingston, or of the canvass and estimate of the votes taken at the late election for senators of the Eastern district. All which we submit to the determination of the senate. Mr. Hasbrouck read the report in his place and delivered the same in at the table, where it was again read.

Mr. Jones thereupon moved that the senate would adopt the following resolutions, viz.

Resolved, That by the constitution of this state, the senate are judges of their own members, and that this right is not, nor cannot be, taken away or abridged, by any act of the Legislature.

Mr. Williams as an amendment to Mr. Jones's motion, moved, that John Livingston, Esq. returned as a senator from the Eastern district, be admitted to take his seat as a member of the senate.

Mr. Schuyler as a further amendment, moved, that the senate would adopt the following resolution, and Mr. President having put the question thereon, it was carried in the affirmative.—Thereupon

Resolved, That this senate will on Wednesday next, resolve itself into a committee of the whole, to take into consideration, the report of the committee of privileges and elections, relative to the claim of John Livingston, Esq. to a seat in this senate, as a member thereof—That the said committee have power to send for persons, papers and records, to the end, that a full and fair investigation may be made in the premises.

In Senate, Nov. 13, 1792.

A memorial of John Livingston, Esq. of the town of Livingston, in the county of Columbia, claiming a seat as a member of the senate; and praying to be heard by counsel in support of such claim; was read and committed to a committee of the whole, to be taken into consideration with the order of the day for to-morrow, and that Mr. Livingston be heard by counsel in support of his said claim.

In Senate, Nov. 14, 1792.

The order of the day being read, Mr. Jones moved that the senate would previous to resolving itself into a committee of the whole, adopt the following resolution, and Mr. President having put the question thereon, it was agreed to by the senate, thereupon

Resolved, That all persons, other than members of the Legislature, who may be produced as witnesses before the committee of the whole, relating to the return of John Livingston, as a senator of the Eastern district, be examined on oath.

The senate then resolved itself into a committee of the whole on the order of the day, and after some time spent thereon, Mr. President re-assumed the chair, and Mr. Sands from the committee, reported that they had made some progress therein, and directed him to move for leave to sit again.

Ordered, That the committee have leave to sit again.—

In Senate, Nov. 15, 1792.

Mr. Sands from the committee of the whole on

the report of the committee of privileges and elections, relative to the claim of John Livingston, Esq. to a seat in the senate, as a member thereof, reported, that in proceeding in the consideration—Brockholst Livingston, Esq. having been heard at the bar as counsel for the said John Livingston; Mr. Jones moved for the following question: Whether the counsel for Mr. Livingston shall be permitted to reply? Mr. Williams as an amendment, moved that the consideration of Mr. Jones's motion be postponed, and that the committee proceed to consider the propriety of Mr. Livingston's taking his seat.

Mr. Schuyler as a further amendment, moved that the committee would adopt the following resolution, viz.

Resolved, That as the senate instituted this committee for the express purpose of fully and freely investigating the claim of John Livingston, Esq. to a seat in the senate, as appears by the resolution of the senate, entered upon the journal, the question moved for decision as an amendment to the motion made by the member of the southern district, cannot, consistent with order, be put until such full and free investigation has been had—debates arose, and the question being put on the last motion of Mr. Schuyler, it was carried in the negative, in the manner following, viz.

For the Negative.

Messrs. Williams, Swartwout, Van Cortlandt, Gelfson, Schenck, Woodworth, Hasbrouck, Webster, Pye, Tillotson, Cantine, Carpenter.

For the Affirmative.

Messrs. Frey, Schuyler, Van Rensselaer, Livingston, Gansevoort, Jones, Douw, Cruger, Strong, Powers.

Mr. Sands further reported, that the committee had made some further progress therein, and had directed him to move for leave to sit again.

Ordered, That the committee have leave to sit again.

In Senate, Nov. 16, 1792.

Mr. Sands from the committee of the whole on the report of the committee of privileges and elections, relative to the claim of John Livingston, Esq. to a seat in the Senate as a member thereof, reported, that in proceeding to the further consideration of the report, Mr. Williams's motion of yesterday was again read, viz. "that the consideration of Mr. Jones's motion be postponed, and that the committee proceed to consider the propriety of Mr. Livingston's taking his seat." Debates arose, and the question being put thereon, it was carried in the Affirmative in manner following, viz.

For the Affirmative.

Messrs. Williams, Swartwout, Van Cortlandt, Gelfson, Schenck, Woodworth, Hasbrouck, Webster, Pye, Tillotson, Cantine, Carpenter.

For the Negative.

Messrs. Frey, Schuyler, Van Rensselaer, Livingston, Gansevoort, Jones, Douw, Cruger, Strong, Powers.

That Mr. Williams thereupon moved for the following resolution, which was read, viz. "Whereas by the sixth article of the constitution of this state it is ordained, that as soon as may be after the determination of the present war between the United States of America and Great Britain, an act or acts shall be passed by the Legislature of this state for causing all elections thereafter to be held in this state for Senators and Representatives in Assembly, to be by ballot; and directing the manner in which the same shall be conducted."

"And whereas by an act entitled, "An act for regulating elections," passed the 13th day of Feb. 1787, in pursuance of the said article of the constitution, it is enacted, "that a joint committee shall be appointed yearly and every year to canvass and estimate the votes for Governor, Lieutenant

Governor and Senators, which committee shall consist of 12 members, that is to say, six to be appointed by the Senate, out of their body, and six to be appointed by the Assembly out of their body. And that as soon as the said joint committee shall be able to determine, who by the greatest number of votes shall have been chosen for Senators, they shall thereupon, without delay, make and subscribe with their own proper names and handwriting, a certificate of such determination in a book to be kept for that purpose in the Secretary's Office, and deliver a true copy thereof to each of the persons so elected respectively."

"And whereas by the said act it is further enacted, "that all questions which shall arise upon such canvass and estimate, or upon any of the proceedings therein shall be determined according to the opinion of the major part of the persons so met conformably to the said act, and their judgment and determination shall in all cases be binding and conclusive."

"And whereas at the last meeting of the Legislature, a joint committee was appointed pursuant to the said act, to canvass and estimate the votes taken at the late election for Governor, Lieutenant Governor and Senators."

"And whereas a major part of the said committee after canvassing and estimating the said votes, did, according to the form of the said act, subscribe a certificate, that John Livingston was, by the greatest number of votes taken at the said election in the Eastern district of this state, chosen a Senator in the said Eastern district, and did deliver a true copy thereof to the said John Livingston."

"And whereas the said John Livingston, by virtue of the said certificate, hath claimed to be admitted to his seat in the Senate as a member thereof, and hath been heard by his counsel, (pursuant to a resolution of the Senate) in support of his said claim.—And this committee having fully considered, as well the nature of the evidence produced by the said John Livingston, and the arguments urged by his counsel, and also the objections of some members of the Senate to his said claim. And it being highly injurious to the liberties and privileges of the people, that a Senator duly returned according to the constitution and laws of the state should be precluded from taking his seat, or without any objections made to his personal qualifications. It is therefore

Resolved, That it is the opinion of this committee, that the said John Livingston be admitted to his seat in the Senate as a member thereof. And that the Senate thereafter proceed to hear and determine any legal objections that may be raised to his keeping the same."

Mr. Cruger as an amendment thereto moved for the two following resolutions, which were read, viz.

Resolved, That by the constitution of this state the Senate are judges of their own members, and that this right is not or cannot be taken away or abridged by any act of the Legislature.

Resolved, That such a right necessarily involves a previous enquiry into the merits of any claim that may be made by any person whomsoever to a seat as a member of the Senate when objections have been preferred.

Mr. Williams, as an amendment to Mr. Cruger's motion, moved to add to the first resolution the words following, viz. "unless such act be passed in pursuance of and by the express direction of the constitution of this state."

Mr. Tillotson as a further amendment to the two last motions, moved "that the consideration of the resolutions moved by Mr. Cruger, and the amendment moved by Mr. Williams be postponed, and that the committee proceed to the consideration of the question relative to Mr. Livingston taking his seat in the senate."

Mr. Schuyler as a further amendment to the last motion, moved for the following resolution, viz.

Resolved, That this committee not having investigated the merits of the claim of John Livingston, Esq. to a seat in the senate (as by the resolution of the senate, instituting this committee they were directed to do) other than hearing him by his counsel, and not having even examined the witnesses which were ordered to the bar of the committee, and now attending; it is improper, absurd, and derogatory to the privileges of the senate, and destructive to the sacred right of suffrage, to which the people of this state are constitutionally entitled, to decide that the said John Livingston ought to take his seat as a member of the senate, until a full and fair investigation has been made; therefore, resolved, that this committee will now proceed to examine witnesses relative to the claim aforesaid. Debates arose, and the question being put thereon, it was carried in the negative in the manner following, viz.

For the Negative.

Messrs. Williams, Swartwout, Van Courtlandt, Gelston, Schenck, Woodworth, Hasbrouck, Webster, Pye, Tillotson, Cantine, Carpenter.

For the Affirmative.

Messrs. Frey, Schuyler, Van Rensselaer, Livingston, Gansevoort, Jones, Douw, Cruger, Strong, Powers.

That the question being then put on the motion made by Mr. Tillotson, it was carried in the Affirmative in the manner following, viz.

For the Affirmative.

Messrs. Williams, Swartwout, Van Courtlandt, Gelston, Schenck, Woodworth, Hasbrouck, Webster, Pye, Tillotson, Cantine, Carpenter.

For the Negative.

Messrs. Frey, Schuyler, Van Rensselaer, Livingston, Gansevoort, Jones, Douw, Cruger, Strong, Powers.

That the question being then put on the original motion made by Mr. Williams, it was carried in the Affirmative in the manner following, viz.

For the Affirmative.

Messrs. Williams, Swartwout, Van Courtlandt, Gelston, Schenck, Woodworth, Hasbrouck, Webster, Pye, Tillotson, Cantine, Carpenter.

For the Negative.

Messrs. Frey, Schuyler, Van Rensselaer, Livingston, Gansevoort, Jones, Douw, Cruger, Strong, Powers.

Mr. Sands read the report in his place, and delivered the same in at the table, and on motion of Mr. Jones, Ordered, that the question on the report of the committee, be postponed until tomorrow morning.

In Senate, November 17, 1792.

The senate agreeably to the order of the day, proceeded to the consideration of the report of the committee of the whole of yesterday, on the report of the committee of privileges and elections, relative to the claim of John Livingston, Esq. to a seat in the senate as a member thereof; Whereupon Mr. Jones moved for the following resolution, which was read, viz. Whereas the committee of the whole, instituted by this senate, to take into consideration the report of the committee of privileges and elections relative to the claims of John Livingston, Esq. to a seat in this senate as a member thereof; that the said committee have power to send for persons, papers and records, to the intent that a full and fair investigation may be made in the premises—and whereas not a single witness has been examined, although the secretary of the state and his deputy were ordered, and did actually attend at the bar, therefore.

"Resolved, That the report of the committee be recommitted for the purpose of such full and fair investigation," debates arose, and Mr. President having put the question thereon, it was carried

in the Negative in the manner following, viz.

For the Negative.

Messrs. Williams, Swartwout, Van Courtlandt, Gelston, Schenck, Woodworth, Hasbrouck, Webster, Pye, Tillotson, Cantine, Carpenter.

For the Affirmative.

Messrs. Frey, Schuyler, Van Rensselaer, Sands, Livingston, Gansevoort, Jones, Douw, Cruger, Strong, Powers.

Mr. Williams then moved, that the senate do agree to the report of the committee, and Mr. President having put the question thereon, it was carried in the Affirmative in the manner following, viz.

For the Affirmative.

Messrs. Williams, Swartwout, Van Courtlandt, Gelston, Schenck, Woodworth, Hasbrouck, Webster, Pye, Tillotson, Cantine, Carpenter.

For the Negative.

Messrs. Frey, Schuyler, Van Rensselaer, Sands, Livingston, Gansevoort, Jones, Douw, Cruger, Strong, Powers.

Thereupon ordered, That John Livingston, Esq. do attend the senate, in order to take his seat as a senator from the eastern district; and that the clerk of the senate cause a copy of this order to be served on Mr. Livingston for that purpose.

Mr. Schuyler then moved for the following resolution which being seconded by Mr. Cantine, was read; and Mr. President having put the question thereon, it was unanimously adopted by the senate, viz.

"Whereas the senate did on Monday the 12th instant "Resolve, That this senate will on Wednesday next, resolve itself into a committee of the whole to take into consideration, the report of the committee of privileges and elections, relative to the claim of John Livingston, Esq. to a seat in this senate as a member thereof. That the said committee have power to send for persons, papers and records, to the end that a full and fair investigation may be made in the premises." And whereas the said committee hath made report, and the said report hath been agreed to by this senate.—And whereas the proceedings of the said committee and of this senate involve questions of the highest importance to the right of suffrage; to the end therefore, that the good people of this state may be fully informed of the conduct of their servants in this senate.

Resolved, That the clerk of the senate do without delay, cause all the proceedings of the senate, and of the said committee relative to the said claim, be printed in all the news papers printed in this state."

By order of the Senate,

ABRM. B. BANCKER, Clerk.

WHEREAS John Finley, of the city and county of New-York, an insolvent debtor, hath, in conjunction with several of his creditors, whose debts amount at least to three-fourths of all the monies owing by the said John Finley, presented a petition to the Hon. John Sloss H. Bart, Esq. one of the Judges of the Supreme Court of Judicature of the State of New-York, entitled, "An act for giving relief in cases of insolvency," passed the 25th of March, 1788: Notice therefore, is hereby given to all the creditors of the said John Finley, that they show cause, if any they have, before the Hon. John Sloss H. Bart, Esq. by the 29th day of December next at ten o'clock in the forenoon of the same day, at his Chambers in Crown-street, in the City of New-York, why an assignment should not be made of the said John Finley's estate, for the benefit of his creditors, and the said John Finley be discharged, agreeably to the forms and directions of the above recited act. Dated this 25th day of September, 1792.

35 6w.

JOHN FINLEY.